



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,863	09/02/2004	Teiichi Nishimura	00682P00680US	4700

32116 7590 10/20/2006

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
500 W. MADISON STREET  
SUITE 3800  
CHICAGO, IL 60661

EXAMINER

PARSLEY, DAVID J

ART UNIT	PAPER NUMBER
----------	--------------

3643

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/506,863	Applicant(s) NISHIMURA ET AL.	
	Examiner David J. Parsley	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 and 43-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-41 and 43-45 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-21, 26-33, 40-41 and 43-45, drawn to a pest controller with portable container.

Group II, claim(s) 22-23, 26-33, 40-41 and 43-45 drawn to a pest controller for holding a chemical substance.

Group III, claim(s) 24, 26-33, 40-41 and 43-45, drawn to a pest controller.

Group IV, claim(s) 25, 26-33, 40-41 and 43-45 drawn to a pest controller with solid chemical

Group V, claim(s) 34-35, 40-41 and 43-45, drawn to a pest controller attachable to the human body

Group VI, claim(s) 36, 40-41 and 43-45, drawn to a pest controller with airtight bag

Group VII, claim(s) 37-39, 40-41 and 43-45, drawn to a pest controller with air permeable bag

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each

Art Unit: 3643

grouping involves different special technical features not shared by the other groups. Group I is directed to an apparatus for controlling pests and which has the special technical feature of the container comprises a substance exposing portion for exposing the chemical substance held therein to outside, and a cover for sealing the substance exposing portion, which is not shared by Group II. Group II has a different special technical feature of the container has an opening communicating with the inside of the container and a cover for sealing the opening from the outside, the chemical substance being adapted to be propelled out of the container through the opening, which is not shared by Group I.

The inventions listed as Groups I and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group I is directed to an apparatus for controlling pests and which has the special technical feature of the container comprises a substance exposing portion for exposing the chemical substance held therein to outside, and a cover for sealing the substance exposing portion, which is not shared by Group III. Group III has a different special technical feature of a coat formed on the surface of the chemical substance so as to exfoliated by a predetermined amount, which is not shared by Group I.

The inventions listed as Groups I and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed

Art Unit: 3643

above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group I is directed to an apparatus for controlling pests and which has the special technical feature of the container comprises a substance exposing portion for exposing the chemical substance held therein to outside, and a cover for sealing the substance exposing portion, which is not shared by Group IV. Group IV has a different special technical feature of the container has a pusher for pressing the chemical substance, and a chuck being adapted to holding and releasing the chemical substance so that the chemical substance is pushed out by pressing the pusher and held by the chuck, thereby chemical substance is prevented from moving back, which is not shared by Group I.

The inventions listed as Groups I and V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group I is directed to an apparatus for controlling pests and which has the special technical feature of the container comprises a substance exposing portion for exposing the chemical substance held therein to outside, and a cover for sealing the substance exposing portion, which is not shared by Group V. Group V has a different special technical feature of a main body being portable and attachable to a human body and/or clothes, which is not shared by Group I.

Art Unit: 3643

The inventions listed as Groups I and VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group I is directed to an apparatus for controlling pests and which has the special technical feature of the container comprises a substance exposing portion for exposing the chemical substance held therein to outside, and a cover for sealing the substance exposing portion, which is not shared by Group VI. Group VI has a different special technical feature of an airtight bag wherein the bag is adapted to release a sealing condition by releasing an airtightness, which is not shared by Group I.

The inventions listed as Groups I and VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group I is directed to an apparatus for controlling pests and which has the special technical feature of the container comprises a substance exposing portion for exposing the chemical substance held therein to outside, and a cover for sealing the substance exposing portion, which is not shared by Group VII. Group VII has a different special technical feature of an air-permeable bag wherein the bag incorporates a chemical substance, the chemical substance

Art Unit: 3643

containing an active ingredient with a pest-controlling effect against harmful pests for human body, which is not shared by Group I.

The inventions listed as Groups II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group II is directed to an apparatus for controlling pests and which has the special technical feature of the container has an opening communicating with the inside of the container, and a cover for sealing the opening from the outside, the chemical substance being adapted to be propelled out of the container through the opening, which is not shared by Group III. Group III has a different special technical feature of a coat formed on the surface of the chemical substance so as to exfoliated by a predetermined amount, which is not shared by Group II.

The inventions listed as Groups II and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group II is directed to an apparatus for controlling pests and which has the special technical feature of the container has an opening communicating with the inside of the container, and a cover for sealing the opening from the outside, the chemical substance being adapted to be propelled out of the container through the opening, which is not shared by Group IV. Group IV

Art Unit: 3643

has a different special technical feature of the container has a pusher for pressing the chemical substance, and a chuck being adapted to holding and releasing the chemical substance so that the chemical substance is pushed out by pressing the pusher and held by the chuck, thereby chemical substance is prevented from moving back, which is not shared by Group II.

The inventions listed as Groups II and V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group II is directed to an apparatus for controlling pests and which has the special technical feature of the container has an opening communicating with the inside of the container, and a cover for sealing the opening from the outside, the chemical substance being adapted to be propelled out of the container through the opening, which is not shared by Group V. Group V has a different special technical feature of a main body being portable and attachable to a human body and/or clothes, which is not shared by Group II.

The inventions listed as Groups II and VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group II is directed to an apparatus for controlling pests and which has the special technical feature of the container has an opening communicating with the inside of the container,



Art Unit: 3643

and a cover for sealing the opening from the outside, the chemical substance being adapted to be propelled out of the container through the opening, which is not shared by Group VI. Group VI has a different special technical feature of an airtight bag wherein the bag is adapted to release a sealing condition by releasing an airtightness, which is not shared by Group II.

The inventions listed as Groups II and VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group II is directed to an apparatus for controlling pests and which has the special technical feature of the container has an opening communicating with the inside of the container, and a cover for sealing the opening from the outside, the chemical substance being adapted to be propelled out of the container through the opening, which is not shared by Group VII. Group VII has a different special technical feature of an air-permeable bag wherein the bag incorporates a chemical substance, the chemical substance containing an active ingredient with a pest-controlling effect against harmful pests for human body, which is not shared by Group II.

The inventions listed as Groups III and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group III is directed to an apparatus for controlling pests and which has the special

Art Unit: 3643

technical feature of a coat formed on the surface of the chemical substance so as to exfoliated by a predetermined amount, which is not shared by Group IV. Group IV has a different special technical feature of the container has a pusher for pressing the chemical substance, and a chuck being adapted to holding and releasing the chemical substance so that the chemical substance is pushed out by pressing the pusher and held by the chuck, thereby chemical substance is prevented from moving back, which is not shared by Group III.

The inventions listed as Groups III and V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group III is directed to an apparatus for controlling pests and which has the special technical feature of a coat formed on the surface of the chemical substance so as to exfoliated by a predetermined amount, which is not shared by Group V. Group V has a different special technical feature of a main body being portable and attachable to a human body and/or clothes, which is not shared by Group III.

The inventions listed as Groups III and VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group III is directed to an apparatus for controlling pests and which has the special

Art Unit: 3643

technical feature of a coat formed on the surface of the chemical substance so as to exfoliated by a predetermined amount, which is not shared by Group VI. Group VI has a different special technical feature of an airtight bag wherein the bag is adapted to release a sealing condition by releasing an airtightness, which is not shared by Group III.

The inventions listed as Groups III and VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group III is directed to an apparatus for controlling pests and which has the special technical feature of a coat formed on the surface of the chemical substance so as to exfoliated by a predetermined amount, which is not shared by Group VII. Group VII has a different special technical feature of an air-permeable bag wherein the bag incorporates a chemical substance, the chemical substance containing an active ingredient with a pest-controlling effect against harmful pests for human body, which is not shared by Group III.

The inventions listed as Groups IV and V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group IV is directed to an apparatus for controlling pests and which has the special technical feature of the container has a pusher for pressing the chemical substance, and a chuck

Art Unit: 3643

being adapted to holding and releasing the chemical substance so that the chemical substance is pushed out by pressing the pusher and held by the chuck, thereby chemical substance is prevented from moving back, which is not shared by Group V. Group V has a different special technical feature of a main body being portable and attachable to a human body and/or clothes, which is not shared by Group IV.

The inventions listed as Groups IV and VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group IV is directed to an apparatus for controlling pests and which has the special technical feature of the container has a pusher for pressing the chemical substance, and a chuck being adapted to holding and releasing the chemical substance so that the chemical substance is pushed out by pressing the pusher and held by the chuck, thereby chemical substance is prevented from moving back, which is not shared by Group VI. Group VI has a different special technical feature of an airtight bag wherein the bag is adapted to release a sealing condition by releasing an airtightness, which is not shared by Group IV.

The inventions listed as Groups IV and VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the

Art Unit: 3643

other groups. Group IV is directed to an apparatus for controlling pests and which has the special technical feature of the container has a pusher for pressing the chemical substance, and a chuck being adapted to holding and releasing the chemical substance so that the chemical substance is pushed out by pressing the pusher and held by the chuck, thereby chemical substance is prevented from moving back, which is not shared by Group VII. Group VII has a different special technical feature of an air-permeable bag wherein the bag incorporates a chemical substance, the chemical substance containing an active ingredient with a pest-controlling effect against harmful pests for human body, which is not shared by Group IV.

The inventions listed as Groups V and VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group V is directed to an apparatus for controlling pests and which has the special technical feature of a main body being portable and attachable to a human body and/or clothes, which is not shared by Group VI. Group VI has a different special technical feature of an airtight bag wherein the bag is adapted to release a sealing condition by releasing an airtightness, which is not shared by Group V.

The inventions listed as Groups V and VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling

Art Unit: 3643

pests. However, each grouping involves different special technical features not shared by the other groups. Group V is directed to an apparatus for controlling pests and which has the special technical feature of a main body being portable and attachable to a human body and/or clothes, which is not shared by Group VII. Group VII has a different special technical feature of an air-permeable bag wherein the bag incorporates a chemical substance, the chemical substance containing an active ingredient with a pest-controlling effect against harmful pests for human body, which is not shared by Group V.

The inventions listed as Groups VI and VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to an apparatus involved in controlling pests. However, each grouping involves different special technical features not shared by the other groups. Group VI is directed to an apparatus for controlling pests and which has the special technical feature of an airtight bag wherein the bag is adapted to release a sealing condition by releasing an airtightness, which is not shared by Group VII. Group VII has a different special technical feature of an air-permeable bag wherein the bag incorporates a chemical substance, the chemical substance containing an active ingredient with a pest-controlling effect against harmful pests for human body, which is not shared by Group VI.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

Art Unit: 3643


application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890.

The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
David Parsley  
Patent Examiner  
Art Unit 3643